

Journal of the House

THIRTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 20, 2012, 11:00 a.m.

The House met pursuant to adjournment with Speaker O'Neal in the chair.

The roll was called with 121 members present.

Reps. Kleeb, McLeland, O'Brien and Victors were excused on excused absence by the Speaker.

Present later: Rep. Kleeb.

Prayer by guest chaplain, the Rev. Jeff Lowther, pastor, Calvary Baptist Church, Stafford, and guest of Rep. Mitch Holmes:

Dear God, We humbly come before you this President's Day of 2012. We thank you for your continued faithfulness to us, to our state and to our nation. This holiday morning, we are reminded of your enduring love and sustaining power upon our country, and we are thankful that we can live in the United States of America. We are also thankful for the many who have served our nation as public servants, including those gathered here this morning.

Dear Lord, We pray for your continued blessing upon America. We recognize our need of you, and we pray that you will continue to sustain and bless our country. We also ask that you would pour your continued blessings upon the State of Kansas. We thank you for our state and for the opportunity to serve our fellow Kansans. Please bless this legislative body as they conduct business today and throughout the remainder of the session. Guide them. Lead them. Bless them, as only you can.

We thank you and beseech your blessings this day. Amen.

The Pledge of Allegiance was led by Rep. Winn.

Kansas Trivia Question – Along with inventing the game of basketball, James Naismith is also credited with inventing what important component of another sport?

Answer: The football helmet, which he devised as an alternative to taping his sore ear before a game.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Reps. Moxley and Tietze are spread upon the Journal:

The International Farm Youth Exchange (IFYE) had its beginning in 1948 after World War II as a two-way cultural exchange program to improve understanding among people. In the more than 55 years since its founding over 9,300 U.S. participants have lived and worked with families in over 100 countries and over 22,000 participants from other countries have lived with more than 55,000 American families who were their hosts.

In 1974 the IFYE name was officially changed to the International Four-H Youth Exchange to more accurately reflect the organization's constituency and mission.

It is our honor to introduce to you eight very special young people. The pages, 16 and 17 year olds from Kenya, and their school principal are here as guests of the U.S. Department of State. In order to come, each had to submit an essay on the qualities of leadership to the American Embassy in Nairobi, and then be interviewed. They are sponsored by Kansas 4-H Youth Development. When they go back to Kenya, they will put into practice a project they have developed while traveling here.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2758, AN ACT concerning the board of accountancy; relating to the special litigation reserve fund; authorizing transfers from the board of accountancy fee fund; prescribing guidelines, limitations and duties with respect thereto, by Committee on Appropriations.

HB 2759, AN ACT concerning alcoholic beverages; dealing with licensure of microbreweries; amending K.S.A. 2011 Supp. 41-311 and repealing the existing section, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: **SB 306, Sub SB 307, SB 320.**

Judiciary: **SB 395, SB 403, SB 404.**

Local Government: **SB 341.**

Taxation: **SB 369, SB 386.**

Transportation: **SB 335, HB 2757.**

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2245** from Committee on Education and referral to Committee on Education Budget.

Also, the withdrawal of **HB 2497, HB 2602** from Committee on Corrections and Juvenile Justice and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2662** from Committee on Local Government and referral to Committee on Appropriations.

MESSAGE FROM THE SENATE

Announcing passage of **SB 102, SB 281, SB 299, SB 305, SB 316, SB 324, SB 325,**

SB 331, SB 348.**INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS**

The following Senate bill was introduced and read by title:

SB 102, SB 281, SB 299, SB 305, SB 316, SB 324, SB 325, SB 331, SB 348.

CONSENT CALENDAR

No objection was made to **HB 2708** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2484, HB 2600** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2484, AN ACT concerning civil procedure; relating to depositions; amending K.S.A. 2011 Supp. 60-228 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Moxley, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Kleeb, McLeland, O'Brien, Victors.

The bill passed.

HB 2600, AN ACT concerning mental health information; relating to access by law enforcement officers; amending K.S.A. 2011 Supp. 65-5603 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe,

Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Moxley, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Kleeb, McLeland, O'Brien, Victors.

The bill passed.

Sub HB 2455, AN ACT concerning the motor fuel tax, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 15; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Hayzlett, Hedke, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Knox, Kuether, Loganbill, Mah, Mast, McCray-Miller, Meier, Mesa, Montgomery, Moxley, O'Neal, Osterman, Otto, Pauls, Peck, Peterson, Phelps, T. Phillips, Pottorff, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Brown, Burroughs, Frownfelter, Gordon, Grosserode, Henderson, Hildabrand, Landwehr, Lane, LeDoux, Meigs, O'Hara, Patton, Powell, Tyson.

Present but not voting: None.

Absent or not voting: Kleeb, McLeland, O'Brien, Victors.

The substitute bill passed, as amended.

HB 2531, AN ACT creating the workers compensation and employment security boards nominating committee; amending K.S.A. 2011 Supp. 44-551, 44-555c and 44-709 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 85; Nays 36; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen,

Kiegerl, Kinzer, Knox, Landwehr, Mast, Meigs, Mesa, Montgomery, Moxley, O'Hara, O'Neal, Otto, Patton, Peck, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Nays: Ballard, Burgess, Burroughs, Calloway, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kuether, Lane, LeDoux, Loganbill, Mah, McCray-Miller, Meier, Osterman, Pauls, Peterson, Phelps, Ruiz, Slattery, Tietze, Trimmer, Ward, Wetta, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Kleeb, McLeland, O'Brien, Victors.

The bill passed, as amended.

EXPLANATIONS OF VOTES

MR. SPEAKER: Thousands of Kansas families depend upon the protection of collective bargaining to protect their middle class life, much as a single homeowner depends on their neighborhood association to fight city hall. **HB 2531** rigs the process and denies workers a fair hearing before labor boards.

Equal justice under law requires a fair and impartial judge. **HB 2531** removes fair and impartial as a requirement for service on labor boards deciding disputes between workers and employers. That is wrong. I vote NO on **HB 2531**. – JIM WARD, ANN MAH, NILE DILLMORE

MR. SPEAKER: I vote NO on **HB 2531**. As Republican administrations took power after the election of 2010, many decided to begin punitive efforts against labor unions almost immediately.

John Kasich of Ohio was soundly defeated by a 2 to 1 margin on a measure to limit union rights by the very same voters who elected him Governor of Ohio. The voting public understands political manipulation. We should remain with the system that has served us well since 1993. – JANICE L. PAULS

MR. SPEAKER: **HB 2531** disrupts the balanced process for appointment of judges that hear Workers Compensation cases. These cases need impartial judges that will give injured Kansans a fair shake, but **HB 2531** will ensure the opposite.

At a time when this body should be working to restore the American Dream for the middle class, **HB 2531** goes out of its way to put Kansas workers at a disadvantage and stack the deck in favor of big business. I vote no. – PAUL DAVIS

MR. SPEAKER: Placing the selection of Appeals Board members solely in the hands of a political appointee is fraught with potential for manipulation. Regardless of the political leanings of the Secretary of Labor, whether pro-business, pro-labor, conservative or liberal, compliance with these philosophies should not be the standard for judging injured workers in the workers compensation system.

HB 2531 is just another attack by the Chamber of Commerce against Kansas workers. It is not enough that our workers are asked to do more for less, they are now subject to re-victimization should they get injured on the job. I vote no. – TOM BURROUGHS

HB 2593, AN ACT concerning interstate banking; relating to commission approval; amending K.S.A. 9-532, 9-533 and 9-534 and K.S.A. 2011 Supp. 9-535 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 1; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Moxley, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Dillmore.

Present but not voting: None.

Absent or not voting: Kleeb, McLeland, O'Brien, Victors.

The bill passed, as amended.

HB 2685, AN ACT concerning water; relating to reservoir improvement districts, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 5; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Moxley, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Brown, Carlson, Gregory, Hildabrand, Tyson.

Present but not voting: None.

Absent or not voting: Kleeb, McLeland, O'Brien, Victors.

The bill passed.

On motion of Rep. Siegfried, the House resolved into the Committee of the Whole, with Rep. Grange in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Grange, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2432, HB 2612, HB 2569** be passed.

On motion of Rep. Colloton, **HCR 5032** be amended on page 2, in line 33, by striking "Chief Clerk of the House of"; in line 34, by striking "Representatives shall" and inserting "Secretary of State shall be directed to"; and the resolution be adopted as amended.

Committee report to **HB 2613** be adopted; and the bill be passed as amended.

Committee report to **HB 2468** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub HB 2232** be adopted; also, on motion of Rep. Siegfried, be passed over and retain a place on the Calendar. Rep. Burroughs subsequently rose on a point of order, requesting a ruling on the motion of Rep. Siegfried. The Rules Chair ruled that because the next bill had already been announced and the carrier of that bill recognized, that the motion was in order. (See further action in this Committee of the Whole report).

Committee report to **HB 2464** be adopted; and the bill be passed as amended.

Committee report to **HB 2473** be adopted; also, on motion of Rep. Brookens, be amended on page 4, in line 37, by striking all after "(b)(6)," and inserting "and drafts of a disclosure by an expert witness provided"; and the bill be passed as amended.

The Committee of the Whole returned to the discussion on **Sub HB 2232** (see previous action, this Committee of the Whole report). On motion of Rep. Colloton, **Sub HB 2232** be amended on page 1, in line 25, after "(1)" by inserting "with the intent to deliver such prescription-only drug to a person other than the holder of a valid prescription order";

Also, on motion of to recommend **Sub HB 2232** favorably for passage, the motion did not prevail.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2730** be amended on page 2, in line 25, by striking "following" and inserting "providing notice and an opportunity for a hearing in accordance with the provisions of"; in line 27, by striking "following" and inserting "providing notice and an opportunity for a hearing in accordance with the provisions of";

On page 7, in line 30, by striking "The lodging standards"; in line 31, by striking "promulgated by";

On page 10, in line 3, by striking "adjudication procedures of the"; in line 12, by striking "All"; by striking all in lines 13 through 15;

On page 11, in line 40, after the period by inserting "Upon application and a showing of cause therefor, the court may issue such search warrant.";

On page 12, in line 23, after "secretary" by inserting ", after providing notice and an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act,"; by striking all in lines 29 through 31;

On page 20, in line 9, before "a" by inserting ", and the court may grant,";

On page 22, in line 18, by striking after the period; by striking all in lines 19 through

21; in line 22, by striking "article is detained or embargoed.";

On page 23, in line 19, after "secretary" by inserting ", after providing notice and an opportunity for a hearing in accordance with provisions of the Kansas administrative procedure act,."; in line 21, by striking the second "or" and inserting "and"; by striking all in lines 25 through 27;

On page 27, in line 21, after "control" by inserting "for safety";

On page 28, in line 31, by striking "adjudication procedures of the";

On page 29, in line 17, by striking "65-668, 65-669,."; in line 18, by striking all before "65-674";

On page 1, in the title, in line 9, by striking "65-668, 65-669, 65"; in line 10, by striking "-669a, 65-670, 65-671,."; and the bill be passed as amended.

Committee on **Commerce and Economic Development** recommends **HB 2637** be amended on page 5, in line 13, by striking "December 31" and inserting "March 31"; and the bill be passed as amended.

Committee on **Commerce and Economic Development** recommends **HB 2638** be amended on page 3, in line 41, by striking all after "(2)"; by striking all in lines 42 and 43;

On page 4, by striking all in lines 1 through 3 and inserting "On forms required by the secretary, the employer shall report to the secretary the lump-sum amount of severance pay or separation pay received by the employee and the number of weeks such lump-sum payment represents in reference to the employee's gross weekly wage or gross weekly salary."; in line 30, by striking "2012" and inserting "2013"; in line 34, by striking "2013" and inserting "2014"; in line 39, by striking "2013" and inserting "2014";

On page 7, in line 45, by striking "of";

On page 12, in line 25, by striking "thirty-day" and inserting "thirty-day"; in line 28, by striking "2012" and inserting "2013"; in line 34, by striking "2013" and inserting "2014";

On page 20, in line 11, by striking "the secretary's advisory councils and through"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2737** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2498** be amended on page 1, in line 6, by striking "authorization" and inserting "recognition"; in line 7, by striking "There is hereby authorized" and inserting "This act recognizes"; in line 8, by striking "on and after July 1, 2012"; in line 11, by striking "shall" and inserting "may"; in line 19, after the period by inserting "If the case manager is contracted by the community mental health center, such case manager shall be licensed to practice in Kansas as a licensed psychologist, social worker, marriage and family therapist, professional counselor, master level psychologist or clinical psychotherapist.";

On page 2, in line 17, by striking "severe" and inserting "serious"; in line 31, after "thereof," by inserting "or prior to the filing of such complaint,."; in line 34, by striking all after "3" and inserting "or 4"; in line 35, by striking all before the second "felony"; in line 36, by striking the first comma and inserting "or"; in line 37, by striking all after "thereto"; in line 38, by striking all before the period; in line 41, by striking "shall" and inserting "may"; also in line 41, by striking "at least";

On page 3, by striking all in lines 3 and 4;

And by renumbering subparagraphs accordingly;

Also on page 3, in line 30, by striking "severe" and inserting "serious"; in line 37, by striking "severe and persistent" and inserting "serious";

On page 4, in line 22, after "plea" by inserting "or admit to any facts relating"; in line 37, after "charged" by inserting "or if no complaint has been filed, the date of the occurrence prompting the agreement"; in line 38, after "filed" by inserting "or if no complaint has been filed, such agreement shall be maintained by the county or district attorney"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2506** be amended on page 2, in line 14, after "8-2,144," by inserting "and amendments thereto, or a second or subsequent violation of K.S.A."; in line 15, after "thereto," by inserting "and such person has completed the mandatory period of suspension as provided in K.S.A. 8-1014, and amendments thereto,"; in line 20, after "thereto," by inserting "has not had a test refusal or test failure or alcohol or drug-related conviction, as those terms are defined in K.S.A. 8-1013, and amendments thereto, in the last five years, has not been convicted of a violation of subsection (b) of K.S.A. 8-1568, and amendments thereto, in the last five years"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2534** be amended on page 1, in line 8, after "officer" by inserting ", law enforcement agency"; in line 12, by striking "for a period of 12 hours or more" and inserting ", with the intent to conceal the commission of a crime, other than a violation of this subsection"; in line 16, after "(b)" by inserting "(1)"; also in line 16, after the second "to" by inserting "promptly";

Also on page 1, in line 17, by striking all after "child"; in line 18, by striking "amendments thereto"; and inserting "to a law enforcement officer, law enforcement agency or state investigative agency, with the intent to conceal the commission of a crime, other than a violation of this subsection"; in line 19, by striking "(1)" and inserting "(A)"; in line 20, by striking "(2)" and inserting "(B)"; following line 22, by inserting:

"(2) The provisions of this subsection shall not apply when the child's death has been reported by another person or is otherwise known by a law enforcement agency or state investigative agency.";

Also on page 1, in line 26, after "(1)" by inserting "(A)"; in line 27, by striking "(2)" and inserting "(1)(B)"; in line 29, by striking "has" and inserting "had"; in line 30, after "disappearance" by inserting "or death";

On page 2, in line 2, after "officer" by inserting ", law enforcement agency"; in line 7, after "officer" by inserting ", law enforcement agency"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2106** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2106," as follows:

"Substitute for HOUSE BILL NO. 2106

By Committee on Judiciary

"AN ACT concerning real property; relating to trespass and liability; exceptions."; and the substitute bill be passed.

(Sub **HB 2106** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **HB 2533** be amended on page 1, in line 17, by striking "(A)"; in line 30, after "employee" by inserting ", contractor"; in line 31, by striking ", including, but not limited to:" and inserting "who works in a position of authority over a child in an official capacity, if such child is a student enrolled in and

attending, or participating in a program or event at such educational institution. For purposes of this paragraph, "educational institution" includes, but is not limited to:";

On page 2, in line 2, by striking "secretary of health and environment or"; in line 3, by striking "the secretary of social and rehabilitation services" and inserting "state of Kansas"; in line 12, by striking "employed by or who" and inserting "who works in a position of authority over a child in an official capacity and is employed by or"; in line 16, after "maintenance" by inserting ", if such children or pregnant teenagers are receiving such services from the organization"; by striking all in lines 17 through 18 and inserting "(7) any person who works in a position of authority over a child in an official capacity and is employed by or works as a volunteer for a recognized church or religious organization, if such child, child's parent or other person having lawful custody or child's siblings are members of or attend services or events at such church or religious organization; and"; in line 20, after "thereto," by inserting "of any municipality, as defined by K.S.A. 75-6102, and amendments thereto, or"; also in line 20, by striking "minors" and inserting "children";

On page 3, in line 21, by striking "another person made a report" and inserting "a person believes another person made a report, unless such report had in fact been made,";

Also on page 3, following line 41, by inserting:

"(l) (1) Nothing in this section shall require a duly ordained minister of religion, as defined by K.S.A. 60-429, and amendments thereto, to make a report under this section if the report would disclose any penitential communication under the protection of privilege pursuant to K.S.A. 60-429, and amendments thereto.

(2) Nothing in this section shall require a report to be made under this section if the report would:

(A) Disclose any communication under the protection of lawyer-client privilege pursuant to K.S.A. 60-426, and amendments thereto;

(B) disclose any matter communicated in confidence by a client to such client's lawyer; or

(C) violate any constitutional right of assistance to counsel."; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2647** be amended on page 1, in line 17, by striking "or" and inserting "and"; in line 21, by striking "or" and inserting "and";

On page 2, in line 5, after "(B)" by inserting "if there is no newspaper of general circulation in the jurisdiction where the sale is to be held,"; by striking all in lines 31 through 37;

And by redesignating subsections accordingly;

On page 3, following line 3, by inserting "Notices shall be deemed delivered when deposited with the United States postal service, properly addressed as provided in subsection (b), with postage prepaid."; in line 5, by striking "controlling interest in or"; in line 6, by striking "or occupant"; and the bill be passed as amended.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2760, AN ACT making and concerning appropriations for fiscal years ending June 30, 2012, June 30, 2013, and June 30, 2014 for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2011 Supp. 2-223, 12-5256, 55-193, 72-8814, 74-50,107, 74-99b34, 75-2319, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-2978, 79-2979, 79-3425i, 79-34,156, 79-34,171 and 82a-953a and repealing the existing sections, by Committee on Appropriations.

HB 2761, AN ACT concerning the Kansas department of agriculture; relating to changes due to the establishment of the division of animal health, the agriculture marketing and promotions program and the division of conservation; amending K.S.A. 2-909, 2-1903, 2-1904, 2-1907, 24-1211, 24-1212, 47-122a, 47-230, 47-239, 47-414, 47-414a, 47-416, 47-416a, 47-417, 47-418a, 47-420, 47-422, 47-428, 47-429, 47-432, 47-433, 47-434, 47-435, 47-441, 47-442, 47-446, 47-448, 47-605, 47-607, 47-607a, 47-607d, 47-608, 47-610, 47-613, 47-616, 47-618, 47-619, 47-620, 47-622, 47-626, 47-627, 47-629, 47-629a, 47-629b, 47-629c, 47-631, 47-632, 47-632a, 47-633a, 47-634, 47-635, 47-646a, 47-650, 47-651, 47-653, 47-653a, 47-653b, 47-653d, 47-653e, 47-653f, 47-653g, 47-653h, 47-654, 47-655, 47-657, 47-658a, 47-658b, 47-660, 47-666, 47-667, 47-673, 47-1001, 47-1001d, 47-1501, 47-1506, 47-1511, 47-1701, 47-1725, 47-1735, 47-1804, 47-1808, 47-1832, 49-603, 65-171i, 66-1319, 74-4002, 74-4003, 75-1901, 75-1903, 75-3141, 75-3142, 82a-326, 82a-1607, 82a-1608, 82a-1609, 82a-1702, 82a-1703 and 82a-1704 and K.S.A. 2011 Supp. 2-907, 2-1907c, 2-1915, 2-1930, 2-1931, 32-951, 47-417a, 47-437, 47-611, 47-612, 47-624, 47-672, 47-674, 47-816, 47-1001e, 47-1008, 47-1011a, 47-1201, 47-1218, 47-1302, 47-1303, 47-1304, 47-1503, 47-1706a, 47-1709, 47-1721, 47-1731, 47-1805, 47-1809, 47-1831, 47-2101, 48-3502, 65-5721, 74-567, 74-50,156, 74-50,163, 75-37,121, 82a-220, 82a-903, 82a-1602, 82a-1603, 82a-2007 and 82a-2101 and repealing the existing sections; also repealing K.S.A. 74-50,161 and K.S.A. 2011 Supp. 2-1932, 47-1307, 74-50,157, 74-50,158, 74-50,159, 74-50,160 and 74-50,162, by Committee on Appropriations.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2397** from Committee on Education Budget and referral to Committee on Appropriations.

REPORT ON ENGROSSED BILLS

HB 2531, **HB 2593** reported correctly engrossed February 20, 2012.

REPORT ON ENROLLED RESOLUTIONS

HR 6004 reported correctly enrolled and properly signed on February 20, 2012.

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Tuesday, February 21, 2012.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

